

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

**F039939      People v. Zepeda**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F039939      People v. Zepeda**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F040141      People v. White**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F040141      People v. White**

The judgment of conviction is affirmed. The judgment of sentence is vacated. The case is remanded. On remand, if the People do not file in the trial court and serve on appellant, within 30 calendar days after the date the remittitur is filed in this court, a motion to set a rehearing on the issue of whether appellant's 1999 prior conviction constitutes a strike, the trial court shall forthwith resentence appellant. If the People timely file and serve such a motion, the trial court shall conduct a rehearing in a manner not inconsistent with this opinion at the time and place set by the trial court and shall, after such rehearing, resentence appellant as may be appropriate.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F041225      In re Kevin W., a Minor.**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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**F041225      In re Kevin W., a Minor.**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F041241      In re Dale V., a Minor.**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F041241      In re Dale V., a Minor.**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F038772      People v. Hall**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.

**F042424      People v. Horvath**

IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

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**F035831**      **People v. Faulkner, Jr.**  
**F041713**      **In re Kenneth L. Faulkner, Jr., on Habeas Corpus**

The petition for writ of habeas corpus is granted. Let a writ of habeas corpus issue vacating the judgment and remanding Faulkner to the Superior Court of Kern County for retrial. Upon finality, the clerk shall remit a certified copy of this opinion and order to the superior court for filing, and respondent shall serve another copy thereof on the prosecuting attorney in conformity with Penal Code section 1382, subdivision (2). [Citation] The appeal is dismissed as moot.  
Cornell, J.

We concur: Wiseman, Acting P.J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F042230**      **Jason B. v. The Superior Court of Tulare County; Tulare County Health & Human Services**

The petition for extraordinary writ is denied.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F039754**      **People v. Garcia**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F039754**      **People v. Garcia**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F040155**      **Bellardita v. Welch**

The judgment is affirmed. Levy, J.

We concur: Harris, Acting P.J.; Cornell, J.

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